



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION I
5 POST OFFICE SQUARE, SUITE 100
BOSTON, MA 02109-3912

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

JUL 16 2012

Roman J. Czuchta
Director of Business Operations
Berlin Board of Education
238 Kensington Road
Berlin, Connecticut 06037

Re: PCB Cleanup and Disposal Approval under 40 CFR § 761.61(a) and § 761.79(h)
Berlin High School
Berlin, Connecticut

Dear Mr. Czuchta:

This is in response to the Town of Berlin (the Town) Notification¹ for approval to clean up and dispose of PCB-contaminated building materials found in the building known as the Berlin High School (the Site) located at 139 Patterson Way in Berlin, Connecticut. The Site contains caulk that exceeds the allowable PCB levels under 40 CFR § 761.20(a) and § 761.62.

In its Notification, the Town has proposed the following PCB cleanup and disposal plan:

- Remove exterior window/door caulk from the 1974 addition, and interior expansion/wall joint caulk greater than or equal to (\geq) 50 parts per million (ppm) and dispose as a *PCB bulk product waste* in a TSCA-approved disposal facility or RCRA hazardous waste landfill;
- Remove entire window and door assemblies, (including panels, insulation, and glass) within the 1974 addition, and dispose as a \geq 50 ppm *PCB remediation waste* in a TSCA-approved disposal facility or RCRA hazardous waste landfill;

¹ The Notification was prepared by Fuss & O'Neill on behalf of the Town of Berlin to satisfy the notification requirement under 40 CFR § 761.61(a)(3). Information was submitted dated March 14, 2012 (Self-Implementing On-Site Cleanup and Disposal Plan (SIDP)); June 8, 2012 (Revised SIDP and Response to Comments); June 28, 2012 (2nd Revised SIDP and Response to Comments); July 9, 2012 (email response to questions concerning figures); July 10, 2012 (email response to questions); and July 12, 2012 (email response to concrete block question). These submittals shall be referred to as the "Notification".

- Remove a minimum of one course *porous surfaces* (i.e., concrete block) adjacent to each side of the interior expansion/wall joints, and dispose as a ≥ 50 ppm PCB waste in a TSCA-approved disposal facility or RCRA hazardous waste landfill;
- Decontaminate certain painted *non-porous surfaces* (i.e., exterior beam/steel lintels) to the NACE 2 visual standard or less than or equal to (\leq) $1 \mu\text{g}/100 \text{ cm}^2$ if the NACE 2 visual standard cannot be met; and,
- Conduct verification sampling to confirm that the PCB cleanup standard of ≤ 1 ppm has been met or $\leq 1 \mu\text{g}/100 \text{ cm}^2$ has been met for *porous surfaces* (i.e., concrete and brick) and *non-porous surfaces* (exterior beam/steel lintels), respectively (as applicable).

The Town has determined that certain caulks which have PCB concentrations at less than ($<$) 50 ppm, meet the criteria for an *Excluded PCB Product* under § 761.3. Under the PCB regulations, *Excluded PCB Products* are authorized for use and thus there is no requirement for removal of the caulk or for decontamination of surfaces that are in contact with the caulk. While these building materials are not addressed in the Approval, the Town indicates in its Notification that the *Excluded PCB Products* will be removed and disposed of.


Based on EPA's review, the information provided in the Notification meets the requirements under 40 CFR §§ 761.61, 761.62, and 761.79(h) for removal and disposal of *PCB bulk product waste* and for removal and/or decontamination of *PCB remediation waste*. Further, the proposed decontamination and disposal activities are consistent with the requirements and standards established under §§ 761.61(a), 761.62, 761.79 for similar types of PCB-contaminated materials.

The Town may proceed with its cleanup in accordance with 40 CFR § 761.61(a); § 761.62; § 761.79(h); its Notification; and this Approval, subject to the conditions of Attachment 1.

This Approval does not release the Town from any applicable requirements of federal, state or local law, including the requirements related to cleanup and disposal of PCBs or other contaminants under the Connecticut Department of Energy and Environmental Protection (CT DEEP) regulations.

EPA shall not consider this project complete until it has received all submittals required under this Approval. Please be aware that upon EPA receipt and review of the submittals, EPA may request any additional information necessary to establish that the work has been completed in accordance with 40 CFR Part 761, the Notification, and this Approval.

Sincerely,



James T. Owens III, Director
Office of Site Remediation & Restoration

cc: Stephen Connelly, Fuss & O'Neill
Central Connecticut Health District
Brian Toal, CT DPH
Gary Trombly, CT DEEP
File

Attachment 1- Approval Conditions

ATTACHMENT 1

**PCB CLEANUP AND DISPOSAL APPROVAL CONDITIONS
BERLIN HIGH SCHOOL ("the Site")
139 PATTERSON WAY
BERLIN, CONNECTICUT**

GENERAL CONDITIONS

1. This Approval is granted under the authority of Section 6(e) of the Toxic Substances Control Act (TSCA), 15 U.S.C. § 2605(e), and the PCB regulations at 40 CFR Part 761, and applies solely to the *PCB bulk product waste* and the *PCB remediation waste* located at the Site and identified in the Notification.
2. The Town of Berlin (the Town) shall conduct on-site activities in accordance with the conditions of this Approval and with the Notification.
3. In the event that the cleanup plan described in the Notification differs from the conditions specified in this Approval, the conditions of this Approval shall govern.
4. The terms and abbreviations used herein shall have the meanings as defined in 40 CFR § 761.3 unless otherwise defined within this Approval.
5. The Town must comply with all applicable federal, state and local regulations in the storage, handling, and disposal of all PCB wastes, including PCBs, PCB Items and decontamination wastes generated under this Approval. In the event of a new spill during response actions, the Town shall contact EPA within 24 hours for direction on PCB cleanup and sampling requirements.
6. The Town is responsible for the actions of all officers, employees, agents, contractors, subcontractors, and others who are involved in activities conducted under this Approval. If at any time the Town has or receives information indicating that the Town or any other person has failed, or may have failed, to comply with any provision of this Approval, it must report the information to EPA in writing within 24 hours of having or receiving the information.
7. This Approval does not constitute a determination by EPA that the transporters or disposal facilities selected by the Town are authorized to conduct the activities set forth in the Notification. The Town is responsible for ensuring that its selected transporters and disposal facilities are authorized to conduct these activities in accordance with all applicable federal, state and local statutes and regulations.
8. This Approval does not: 1) waive or compromise EPA's enforcement and regulatory authority; 2) release the Town from compliance with any applicable requirements of federal, state or local law; or 3) release the Town from liability for, or otherwise resolve, any violations of federal, state or local law.

NOTIFICATION AND CERTIFICATION CONDITIONS

9. This Approval may be revoked if the EPA does not receive written notification from the Town of its acceptance of the conditions of this Approval within 10 business days of receipt.
10. The Town shall submit the following information for EPA review and/or approval:
 - a. a certification signed by its selected contractor, stating that the contractor(s) has read and understands the Notification, and agrees to abide by the conditions specified in this Approval;
 - b. a contractor work plan, prepared and submitted by the selected demolition or abatement contractor(s) describing the containment and air monitoring that will be employed during abatement activities. This work plan should also include information on how and where wastes will be stored and disposed of, and on how field equipment will be decontaminated; and,
 - c. a certification signed by the selected analytical laboratory, stating that the laboratory has read and understands the extraction and analytical methods and quality assurance requirements specified in the Notification and in this Approval.

REMEDIAL and DISPOSAL CONDITIONS

11. To the maximum extent practical, engineering controls, such as barriers, and removal techniques, such as the use of HEPA ventilated tools, shall be utilized during removal processes. In addition, to the maximum extent possible, disposable equipment and materials, including PPE, will be used to reduce the amount of decontamination necessary.
12. PCB-contaminated materials shall be decontaminated and confirmatory sampling and analysis shall be conducted as described below:
 - a. All visible residues of PCB caulk (i.e., *PCB bulk product waste*) shall be removed as described in the Notification.
 - b. The cleanup standard for *porous surfaces* (e.g., concrete block and brick) shall be less than or equal to (\leq) 1 part per million (ppm).
 - i) All post-cleanup verification sampling for *porous surfaces* shall be performed on a bulk basis (i.e., mg/kg) and reported on a dry weight analysis. Verification sampling for *porous surfaces* shall be conducted in accordance with the EPA Region 1 *Standard Operating Procedure for Sampling Porous Surfaces for Polychlorinated Biphenyls (PCBs) Revision 4, May 5, 2011*, at a maximum depth interval of 0.5 inches, and in accordance with Subpart O as detailed in the Notification.

- ii) Chemical extraction for PCBs shall be conducted using Methods 3500B/3540C of SW-846; and, chemical analysis for PCBs shall be conducted using Method 8082 of SW-846, unless another extraction/analytical method(s) is validated according to Subpart Q.
- c. The decontamination standard for *non-porous surfaces* (e.g., steel beams/lintels) shall be the NACE No. 2 visual standard as required under § 761.79(b)(3)(i)(B). Alternatively, painted *non-porous surfaces* may be decontaminated as follows:
 - i) All visible caulk and paint shall be removed.
 - ii) Post-decontamination verification sampling of *non-porous surfaces* shall be performed on a surface area basis by the standard wipe test as specified in 40 CFR § 761.123 (i.e., $\mu\text{g}/100\text{ cm}^2$) and in accordance with Subpart P.
 - iii) In the event decontaminated *non-porous surfaces* have PCB concentrations at greater than ($>$) $1\mu\text{g}/100\text{ cm}^2$ PCBs, the Town may:
 - (1) conduct additional decontamination to achieve the required decontamination standard; or,
 - (2) if the *non-porous surfaces* are located in an inaccessible location (e.g., behind a wall, above a ceiling, etc), the alternative decontamination standard of $\leq 10\mu\text{g}/100\text{ cm}^2$ may be used.
 - iv) Chemical extraction for PCBs shall be conducted using Methods 3500B/3540C of SW-846; and, chemical analysis for PCBs shall be conducted using Method 8082 of SW-846, unless another extraction/analytical method(s) is validated according to Subpart Q.
- 13. All PCB waste (regardless of concentration) generated as a result of the activities described in the Notification, excluding any decontaminated materials, shall be marked in accordance with § 761.40; stored in a manner prescribed in § 761.65; and, disposed of in accordance with 40 CFR § 761.61(a)(5) or § 761.62, unless otherwise specified below:
 - a. Decontamination wastes and residues shall be disposed of in accordance with 40 CFR § 761.79(g).
 - b. Moveable equipment, tools, and sampling equipment shall be decontaminated in accordance with either 40 CFR § 761.79(b)(3)(i)(A), § 761.79(b)(3)(ii)(A), or § 761.79(c)(2).
 - c. PCB-contaminated water generated during decontamination shall be decontaminated in accordance with 40 CFR § 761.79(b)(1) or disposed of under § 761.60.

INSPECTION, MODIFICATION AND REVOCATION CONDITIONS

14. The Town shall allow any authorized representative of the Administrator of the EPA to inspect the Site and to inspect records and take samples as may be necessary to determine compliance with the PCB regulations and this Approval. Any refusal by the Town to allow such an inspection (as authorized by Section 11 of TSCA) shall be grounds for revocation of this Approval.
15. Any proposed modification(s) in the plan, specifications, or information in the Notification must be submitted to EPA no less than 14 calendar days prior to the proposed implementation of the change. Such proposed modifications will be subject to the procedures of 40 CFR § 761.61(a)(3)(ii).
16. Any departure from the conditions of this Approval without prior, written authorization from the EPA may result in the revocation, suspension and/or modification of the Approval, in addition to any other legal or equitable relief or remedy the EPA may choose to pursue.
17. Any misrepresentation or omission of any material fact in the Notification or in any records or reports may result in the EPA's revocation, suspension and/or modification of the Approval, in addition to any other legal or equitable relief or remedy the EPA may choose to pursue.

RECORDKEEPING AND REPORTING CONDITIONS

18. The Town shall prepare and maintain all records and documents required by 40 CFR Part 761, including but not limited to the records required under Subparts J and K. A written record of the decontamination and the analytical sampling shall be established and maintained by the Town in one centralized location, until such time as EPA approves in writing a request for an alternative disposition of such records. All records shall be made available for inspection to authorized representatives of EPA.
19. The Town shall submit a final report in hard and electronic copy to the EPA within 60 days of completion of the activities authorized under this Approval. At a minimum, this final report shall include: a short narrative of the project activities with photo log; characterization and confirmation sampling analytical results; copies of the accompanying analytical chains of custody; field and laboratory quality control/quality assurance checks; an estimate of the quantity of PCB waste disposed of; copies of manifests and bills of lading; and, copies of certificates of disposal or similar certifications issued by the disposer.

20. Required submittals shall be mailed to:

Kimberly N. Tisa, PCB Coordinator (OSRR07-2)
United States Environmental Protection Agency
5 Post Office Square, Suite 100
Boston, Massachusetts 02109-3912
Telephone: (617) 918-1527
Facsimile: (617) 918-0527

21. No record, report or communication required under this Approval shall qualify as a self-audit or voluntary disclosure under EPA audit, self-disclosure or penalty policies.

END OF ATTACHMENT 1